

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

AMERICAN ASSOCIATION OF
COSMETOLOGY SCHOOLS *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

Civil Action No. 4:23-cv-01267-O

REQUEST FOR ORAL ARGUMENT

Plaintiffs, the American Association of Cosmetology Schools, DuVall's School of Cosmetology, L.L.C., Ogle School Management, LLC, and Tricoci University of Beauty Culture, LLC (collectively, "Plaintiffs") respectfully request oral argument on the parties' cross-motions for summary judgment and related motions to strike pursuant to L.R. 7.1(g). *See also* Order, Dkt. 22 at 1 n.1 (noting that Plaintiffs "shall ... get separate oral argument time" at a forthcoming hearing on the parties' cross-motions for summary judgment). Plaintiffs have conferred with defendants, the U.S. Department of Education and Secretary of Education Linda McMahon (collectively, "Defendants"), and note that Defendants take no position on Plaintiffs' request for oral argument. On behalf of all parties, Plaintiffs advise that one or more counsel are unavailable on the following dates:

- June 23-24, 2025
- July 1-2, 2025
- July 9-10, 2025
- July 14-15, 2025
- July 18-28, 2025

- August 11-12, 2025
- August 15-19, 2025

Plaintiffs also respectfully request that the Court schedule oral argument for a date that facilitates a decision by September 1, 2025, with at least 14 days' notice of the argument date to the parties. The challenged Gainful Employment Rule required Plaintiffs to compile and report data identifying completers and tracking their reliance on federal student aid by January 15, 2025. *See* 33 Fed. Reg. 70,004, 70191 (October 10, 2023) (setting an initial reporting deadline of July 31, 2024); <https://perma.cc/Y6C8-PS64> (extending the deadline to October 1, 2024); <https://perma.cc/Z3U7-3C5P> (further extending the deadline to January 15, 2025). In February 2025, the Department reopened the reporting period and allowed for schools to review and correct previously submitted data through September 30, 2025, but noted that “[t]he Department anticipates that this ... will be the final extension of the reporting deadline.” *See* <https://perma.cc/S2E9-AG5T>. And although the Department has said it “does not plan to produce” the first round of debt-to-earnings and earnings-premium scores “prior to th[at] new deadline,” it gave no further assurances—meaning that the first round of scores could come out anytime on or after October 1, 2025. *Id.* Once the first round of scores comes out, the Department has already warned that failing schools may have to begin posting letters of credit guaranteeing Title-IV funds they receive. *See* Dkt. 32 at 2, 16-17 & n.4; Dkt. 40 at 2-3 n.1. Given that looming requirement, Plaintiffs respectfully submit that a decision by September 1, 2025 is necessary to ensure that Plaintiffs have adequate time to seek emergency relief from the Fifth Circuit (and, if necessary, the Supreme Court) before having to post debilitating letters of credit if the Court enters judgment for the Department.

Defendants note that nothing in the Department’s February 14, 2025 Electronic Announcement suggests that the Department might publish debt-to-earnings and earnings-

premium scores as soon as October 1, 2025, which is only one day after the current reporting deadline. *See https://perma.cc/S2E9-AG5T.* To the extent Plaintiffs seek to use this request for oral argument as a vehicle to urge a decision on the parties' cross-motions for summary judgment by a particular date, Defendants object on the ground that this filing is an inappropriate vehicle for that purpose. Defendants defer to the Court regarding the timing of its ruling.

DATED: June 20, 2025

/s/ Drew T. Dorner

John M. Simpson (admitted *pro hac vice*)
Drew T. Dorner (D.C. Bar #1035125)
Duane Morris LLP
901 New York Avenue NW, Suite 700 East
Washington, D.C. 20001-4795
Telephone: +1 202 776 7800
Fax: +1 202 776 7801
JMSimpson@duanemorris.com
DTDorner@duanemorris.com

Joakim G. Soederbaum
Duane Morris LLP
300 Throckmorton Street, Suite 1650
Fort Worth, TX 76102-2935
Telephone: +1 817 704 1000
Fax: +1 817 704 1001
JSoederbaum@duanemorris.com

Edward M. Cramp (admitted *pro hac vice*)
Duane Morris LLP
750 B Street, Suite 2900
San Diego, CA 92101-4681
Telephone: +1 619 744 2200
Fax: +1 619 744 2201
EMCramp@duanemorris.com

*Counsel for American Association of
Cosmetology Schools and DuVall's School of
Cosmetology, L.L.C.*

Respectfully submitted,

/s/ Paul D. Clement

Paul D. Clement (admitted *pro hac vice*)
Andrew C. Lawrence (admitted *pro hac vice*)
Kevin Wynosky (admitted *pro hac vice*)
Clement & Murphy, PLLC
706 Duke Street
Alexandria, VA 22314
Telephone: +1 202 742 8900
paul.clement@clementmurphy.com
andrew.lawrence@clementmurphy.com
kevin.wynosky@clementmurphy.com

Cole Ramey (TX Bar #16494980)
Christin Jones (TX Bar #24070017)
Kilpatrick Townsend & Stockton LLP
2001 Ross Avenue, Suite 4400
Dallas, TX 75201
Telephone: +1 214 922-7126
CRamey@kttslaw.com
CJones@kttslaw.com

*Counsel for Ogle School Management, LLC
and Tricoci University of Beauty Culture,
LLC*

CERTIFICATE OF CONFERENCE

The undersigned counsel has conferred with counsel for the other parties regarding this request. Plaintiffs, having filed the request jointly, agree to it. Defendants take no position on the request for oral argument. Defendants' position on the timing of a decision was provided to Plaintiffs and is reflected in the body of the Request for Oral Argument.

/s/ Drew T. Dorner